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7 Attorneys for Plaintiffs GENARO PEREZ, individually and on behalf of all persons  
similarly situated and the general public  
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9 **UNITED STATES DISTRICT COURT**  
10 **NORTHERN DISTRICT OF CALIFORNIA**

11  
12 GENARO PEREZ, individually and on  
behalf of all persons similarly situated and  
13 the general public

14 Plaintiffs,

15 vs.

16 WELLS FARGO MORTGAGE  
COMPANY, and DOES 1 to 100,

17 Defendants,  
18  
19  
20

Case No.: C 3:05-CV2722 MHP  
Judge: Marilyn Hall Patel  
Courtroom 15

**CLASS ACTION**

**STIPULATION AND [PROPOSED]  
ORDER RE TOLLING OF DEFENSE  
OF STATUTE OF LIMITATIONS ON  
ALL CLAIMS PENDING OUTCOME  
OF MULTI-DISTRICT LITIGATION  
MOTION FOR TRANSFER AND  
COORDINATION**

21 WHEREAS, on March 22, 2005, the California State Court action entitled  
22 *Mevorah v. Wells Fargo Home Mortgage, Inc.* was removed to the U.S. District Court,  
23 Northern District of California; and

24 WHEREAS, on July 1, 2005, the case entitled *Perez v. Wells Fargo Mortgage*  
25 *Company* was filed in the U.S. District Court, Northern District of California; and

26 WHEREAS, on December 19, 2005, the case entitled *Perry v. Wells Fargo Home*  
27 *Mortgages, Inc.* was filed in the U.S. District Court, Southern District of Illinois; and  
28

02/16/2006 15:21 FAX

004/004

1 WHEREAS, defendant Wells Fargo Home Mortgage ("Wells Fargo") has  
 2 requested a stay in each district court in order to coordinate the three pending actions ;  
 3 and

4 WHEREAS, Plaintiff Perez is filing a Motion for Transfer and Coordination  
 5 pursuant to 28 U.S.C. § 1407 before the Judicial Panel on Multidistrict litigation; and

6 WHEREAS, Wells Fargo supports Plaintiff Perez's Motion for Transfer and  
 7 Coordination.

8 NOW, THEREFORE, THE PARTIES, BY AND THROUGH THEIR  
 9 RESPECTIVE COUNSEL OF RECORD, STIPULATE AND AGREE THAT:

10 1. Defendant Wells Fargo hereby agrees that any applicable Statute of Limitations  
 11 with respect to claims by putative class members or assertion of defenses by Wells Fargo  
 12 in the *Perez v. Wells Fargo Mortgage Company* matter will be tolled from the date of the  
 13 signing of this Stipulation to the date of the ruling on Plaintiff Perez's Motion for  
 14 Transfer and Coordination pending before the Judicial Panel on Multidistrict Litigation.

15 DATED: February 17, 2006

CALLAHAN, McCUNE & WILLIS, APLC

16 By 

17 ROBERT W. THOMPSON  
 18 Attorneys for the Plaintiff,  
 19 GENARO PEREZ, on behalf of  
 themselves and all other similarly situated  
 persons and the general public

20 DATED: February 16, 2006

21 ALLEN MATKINS LECK GAMBLE &  
 MALLORY LLP

22 By 

23 LINDBERGH PORTER JR.  
 24 Attorneys for the Defendant, WELLS  
 25 FARGO HOME MORTGAGE, a division  
 of WELLS FARGO BANK, NATIONAL  
 ASSOCIATION

26 IT IS SO ORDERED. ~~PROPOSED~~ ORDER *This order does not resolve the*  
 27 DATED: 2/21/06, 2006 *request for stay, but only*  
 28 *approves the stipulation*  
*re tolling.*  
 Hon. Marilyn H. Patel